UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,956	03/03/2004	Roman M. Golicz	2223	5057

28152 7590 01/26/2006

CHARLES G. NESSLER
P.O. BOX H
CHESTER, CT 06412

EXAMINER	
MCCLELLAND, KIMBERLY KEIL	

ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,956	GOLICZ ET AL.	
	Examiner	Art Unit	
	Kimberly K. McClelland	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *08 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7, 10,13,16-21 and 23-33* is/are rejected.

7)☒ Claim(s) *6,8,9,11,12,14,15 and 22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-33 in the reply filed on December 8th, 2005 is acknowledged. The traversal is on the ground(s) that claim 38 does not fit within the basis for restriction. The examiner agrees with applicant's argument. The previous restriction requirement is therefore withdrawn.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-33, drawn to an apparatus for forming labels, classified in class 156, subclass 510.

II. Claims 34-38, drawn to a method of labeling, classified in class 156, subclass 250.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions Group II claims 34-38 and Group I claims 1-33 are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process. For example, after delivering labels to articles, the entire label might be adhered to the article, prior to being released.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant's election with traverse of Group I, claims 1-33 in the reply filed on December 8th, 2005 is acknowledged. The traversal is on the ground(s) that the scope of the search for the two inventions would be the same. This is not found persuasive because the different inventions have different subclasses, which would create a burdensome search of the prior art.

Claim Objections

5. Claim 32 is objected to because of the following informalities: "In apparatus" should be changed to "An apparatus". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the structure or means of the apparatus, which serve to contour the web. Further, claim 32 contains no reference to any patentable material drawn to an apparatus.

8. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms "equal elevation" and "unequal elevation" are unclear. For the purposes of further examination, the claim is interpreted to mean, "the elevation of said one belt progressively increases or decreases to progressively contour the web as it moves downstream."

9. Claim 32 provides for the use of an apparatus, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

10. Claim 32 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd.* v. *Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

12. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,824,178 to Shingu et al.

13. With respect to claim 1, Shingu et al. discloses an apparatus for preparing laminated sheets, including means for feeding (rollers) web along a flow path to a cutter assembly; a cutter assembly (cutting section), for cutting the web repetitively, to form labels; and, means for receiving said labels from the cutter assembly (take-up section); wherein, the web is contoured in a plane transverse to the flow path, prior to being cut by the cutter assembly (See Figures 1,10B, and 13,and column 17, lines 5-18).

14. As to claim 2, Shingu et al. discloses the means for receiving labels (take-up section) transports the labels away from the cutter assembly along a continuation of said flow path (See Figure 1).

15. As to claim 3, the labels amount to material worked upon. "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." See MPEP § 2115. The labels are

contoured in a plane transverse to said flow path while being transported (See Figure 13, and column 17, lines 5-18).

16. As to claim 4, Shingu et al. discloses a source of web in roll form (continuous web let-off section); and, means for delivering web from the roll to the upstream end of the means for feeding web along a free loop path (See Figure 1).

17. As to claim 5, Shingu et al. discloses the contour of web and labels is capable of being concave when viewed from the release side of the linerless label material (See Figure 10B). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. See MPEP § 2114. Web/label material amounts to material worked upon and are not given patentable weight. See MPEP § 2115.

18. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,520899 to Häggman.

19. With respect to claim 1, Häggman discloses an apparatus for preparing laminated sheets, including means for feeding (11) web along a flow path to a cutter assembly; a cutter assembly (column 6, lines 24-39), for cutting the web repetitively, to form labels; and, means for receiving said labels from the cutter assembly (J); wherein, the web is contoured in a plane transverse to the flow path, prior to being cut by the cutter assembly (See Figures 2 and 3).

20. As to claim 2, Häggman discloses the means for receiving labels (J) transports the labels away from the cutter assembly along a continuation of said flow path (See Figure 2).

21. As to claim 3, the labels amount to material worked upon. "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." See MPEP § 2115. The labels are contoured in a plane transverse to said flow path while being transported (See Figure 3).

22. As to claim 4, Häggman discloses a source of web in roll form (R); and, means for delivering web from the roll to the upstream end of the means for feeding web along a free loop path (See Figure 3).

23. As to claim 5, Häggman discloses the contour of web and labels is capable of being concave when viewed from the release side of the linerless label material (See Figure 3). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. See MPEP § 2114. Web/label material amounts to material worked upon and are not given patentable weight. See MPEP § 2115.

24. Claims 1-3, 5, 7, 10, 13, 16, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,674,345 to Nash.

25. With respect to claim 1, Nash discloses an apparatus for printing linerless labels, including means for feeding (column 3, lines 35-37) web along a flow path to a cutter assembly; a cutter assembly (column 3, lines 54-56), for cutting the web repetitively, to form labels; and, means for receiving said labels from the cutter assembly (column 4, lines 13-17); wherein, the web is capable of being contoured in a plane transverse to the flow path, prior to being cut by the cutter assembly (See Figure 1).

26. As to claim 2, Nash discloses the means for receiving labels (32) transports the labels away from the cutter assembly along a continuation of said flow path (33, See Figure 1).

27. As to claim 3, the labels amount to material worked upon. "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." See MPEP § 2115. The labels are capable of being contoured in a plane transverse to said flow path while being transported (See Figure 1).

28. As to claim 5, Nash discloses the contour of web and labels is capable of being concave when viewed from the release side of the linerless label material (See Figure 1). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. See MPEP § 2114. Web/label material amounts to material worked upon and are not given patentable weight. See MPEP § 2115.

29. With respect to claim 7, Nash discloses an apparatus including means for feeding (132, See Figure 1) and one endless belt running between spaced apart rollers, wherein one belt contacts the center of the web, without contacting regions adjacent to the center (See Figure 3).

30. As to claim 10, Nash discloses an apparatus including means for feeding (32, See Figure 1) and a downstream end roller (139) having a diameter sufficient to cause stretching of the outer fiber of the belts (See Figure 2).

31. As to claim 13, Nash discloses an apparatus including means for feeding (32, See Figure 1), and means for pressing one or more portions of the release side of the web toward at least one belt (121), as the belt moves downstream with the web (See Figure 2).

32. As to claim 16, Nash discloses an apparatus including an upstream and downstream roller (See figure 2); an endless belt running around the rollers (132), for contacting the web, to thereby move the web along the flow path (33, See Figure 1); wherein at least one roller has spaced apart circumferential rings on either side of the roller region upon which the belt runs, the rings having an outside diameter greater than the outside diameter of the surface of the belt, where it runs around said roller (138, See Figure 2).

33. As to claim 24, Nash discloses the cutter assembly comprises: a rotatable knife cylinder (26) with knife (27); an opposing rotatable cylindrical anvil (21) in contact with the knife cylinder (26); and, means for resiliently pressing together the knife cylinder and

the anvil (column 3, lines 47-63), so that cylindrical rotation of either rotates the other by frictional engagement there between (See Figure 1).

34. As to claim 25, Nash discloses the surface of the anvil (21) which mates with the knife during cutting (27) has a circumference different from the circumference of the path of the tip of the knife, so that the knife tip mates with a different circumferential part of the anvil each time the knife cylinder is fully rotated (See Figure 1).

35. Claims 1, 23-26, and 32-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,783,622 to Backlund et al.

36. With respect to claim 1, Backlund et al. discloses an apparatus for producing webs of material, including means for feeding (3) web along a flow path to a cutter assembly; a cutter assembly (1), for cutting the web repetitively, to form labels; and, means for receiving said labels from the cutter assembly (7); wherein, the web is capable of being contoured in a plane transverse to the flow path, prior to being cut by the cutter assembly (See Figure 1).

37. As to claim 23, Backlund et al. discloses the cutter assembly comprises: a rotatable knife (1); an opposing rotatable anvil (2); and, means for cooling the anvil (See Figure 1, and column 3, lines 42-47).

38. As to claim 24, Backlund et al. discloses the cutter assembly comprises: a rotatable knife cylinder with knife (1); an opposing rotatable cylindrical anvil in contact with the knife cylinder (2); and, means for resiliently pressing together the knife cylinder

and the anvil (column 2, lines 8-11), so that cylindrical rotation of either rotates the other by frictional engagement there between (See Figure 1).

39. As to claim 25, Backlund et al. discloses the surface of the anvil (2) which mates with the knife during cutting (1) has a circumference different from the circumference of the path of the tip of the knife, so that the knife tip mates with a different circumferential part of the anvil each time the knife cylinder is fully rotated (See Figure 1).

40. With respect to claim 26, Backlund et al. discloses an apparatus for producing webs of material, including means for feeding (3) said web along a flow path toward a cutter assembly (1); and, a cutter assembly (1), for cutting portions from the web to form labels, which comprises a rotatable knife (column 2, lines 8-11) and a rotatable anvil having means for interior cooling (See figure 1, and column 2, lines 28-34).

41. With respect to claim 32, Backlund et al. discloses an apparatus for producing webs of material, including being capable of contouring the web in a plane transverse to the flow path (See Figure 1).

42. As to claim 33, Backlund et al. discloses means for receiving and transporting away the labels (7), after cutting and formation of the label (See Figure 1).

43. Claims 27-29 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,253,817 to Edwards et al.

44. With respect to claim 27, Edwards et al. discloses an apparatus for preparing labels, including a source of label material in web form (70), the web having spaced apart indicia which are readable by a sensor; means for feeding said web along a flow path toward a means for cutting (column 11, lines 31-50); means for cutting (80, 100) said web to form labels (70a, 70b); means for receiving said labels from the cutter assembly (80, column 12, lines 23-31); a first sensor (172), positioned downstream of the cutting means, for reading indicia lengths; mean for comparing lengths of portions of an indicium which is severed during forming of a label, based on first sensor reading information; and means for adjusting the length of a subsequent label, according to how the lengths of the indicium portions relate to each other or to a desired reference standard (See Figure 3, and column 12, lines 33-64).

45. As to claim 28, Edwards et al. discloses a source of label material (44) in web form (70, See Figures 3 and 7); means for feeding said web along a flow path toward a means for cutting; means for cutting (80) said web to form labels (112); means for receiving said labels from the cutter assembly; a first sensor (172), positioned downstream of the cutting means, for reading indicia lengths; wherein said first sensor is capable of reading the presence or absence of whole indicia on a label or web end just formed by cutting of said web; and means for adjusting the length of the web which is subsequently cut, according to whether not the first sensor detects any indicium has been cut (See Figure 3, and column 12, lines 33-64).

46. As to claim 29, Edwards et al. discloses the means for adjusting comprises changing the amount of web, which is fed along the flow path prior to cutting of a label (column 12, lines 33-64).

47. As to claim 31, Edwards et al. discloses the label length is changed according to whether or not there is mutually in length of portions of any severed indicium (column 12, lines 33-64).

Claim Rejections - 35 USC § 103

48. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

49. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,520899 to Häggman as applied to claims 1-5 above, and further in view of U.S. Patent No. 5,674,345 to Nash.

50. As to claim 7, Häggman discloses a feeding device, including a two feeding belts, wherein the belts are at different elevation (14, See Figure 3). Häggman does not disclose feeding means including a belt that only contacts the center of the label. Nash discloses a transport system, including one endless belt running between spaced apart rollers, wherein one belt contacts the center of the web, without contacting regions adjacent to the center (See Figures 3 and 4). It would have been obvious to tone of

ordinary skill in the art at the time the invention was made to substitute the transport system of Nash for the apparatus for preparing laminated sheets as disclosed by Häggman. The motivation would have been to provide minimal area of contact between the label and the belts (Nash, column 4, lines 58-67). Therefore, it would have been obvious to combine Nash with Häggman in order to obtain the invention as disclosed in claim 7.

51. Claims 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,845,799 to Francke et al. in view of U.S. Patent No. 6,783,622 to Backlund et al.

52. With respect to claim 17, Francke et al. discloses an apparatus for applying labels, including a cutting assembly (14), lying along a material flow path, means for feeding (7, 8, 9) web along the flow path, which contour the web in a plane transverse to the flow path and moving the web into and through the gap, means for receiving (column 3, lines 39-43) the end of web which is moved into and through the gap prior to cutting of the web, for transporting labels along the flow path (11), away from the cutting assembly, and for delivering the labels to articles for attachment thereto (20, See Figure 1). However, Francke et al. does not disclose a cutting assembly using a rotatable knife cylinder. Backlund et al. discloses an apparatus for producing webs of material, including a cutter assembly, which comprises a rotatable cylinder with a knife (1), and an opposing rotatable anvil (2), where the knife is rotated away from proximity to the anvil (See Figure 1). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to substitute the rotatable knife cylinder of Backlund et al. with the cutting assembly of Francke et al. The motivation would have been to provide better control and synchronization of the apparatus (Backlund et al., column 2, lines 49-60). Therefore, it would have been obvious to combine Backlund et al. with Francke et al. to obtain the invention as disclosed in claim 17.

53. As to claim 18, Francke et al. discloses an apparatus capable of transporting the label away at a linear velocity greater than the linear velocity of the web being moved into the gap of the cutter assembly, because once cut, the label is separated from the web (See Figure 1).

54. As to claim 20, Francke et al. discloses an apparatus capable of allowing the knife to contact the release side of the web material.

55. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,845,799 to Francke et al. in view of U.S. Patent No. 6,783,622 to Backlund et al. as applied to claims 18-19 and 20 above, and further in view of U.S. Patent No. 6,253,817 to Edwards et al.

56. With respect to claim 19, Francke et al. discloses an apparatus for applying labels, including a cutting assembly (14, See Figure 1). Backlund et al. discloses a cutting apparatus, including a rotatable cylinder with knife, and receiving means that are capable of pulling the web material to tear the remaining material in the vicinity of where the web cut was made (1, 2, 6, See Figure 1). However, Francke et al. and Backlund et al. do not disclose partially cutting the web. Edwards et al. discloses an apparatus for

printing labels, including a cutter assembly that partially cuts through the web material (80). It would have been obvious to one of ordinary skill in the art to substitute the cutting means of Edwards et al. with the receiving means of Backlund et al. in the labeling apparatus of Francke et al. The motivation would have been to allow separation of the label without damaging the integrity of the label (Edwards et al., column 3, lines 1-10).

57. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,845,799 to Francke et al. in view of U.S. Patent No. 6,783,622 to Backlund et al. as applied to claims 17-18 and 20 above, and further in view of U.S. Patent No. 6,520899 to Häggman and U.S. Patent No. 5,674,345 to Nash.

58. With respect to claim 21, Francke et al. discloses an apparatus for applying labels, including a cutting assembly (14, See Figure 1). Backlund et al. discloses a cutting apparatus, including a rotatable cylinder with knife (1, 2, See Figure 1). However, Francke et al. and Backlund et al. do not disclose feeding means comprising endless belts. Häggman discloses a feeding device, including a two feeding belts, wherein the belts are at different elevation (14, See Figure 3). Häggman does not disclose feeding means including three belts. Nash discloses an apparatus for printing linerless labels, including three endless belts, one of which having a transverse plane elevation different of the other two belts at some point along the flow path, capable of transporting labels in a contoured condition (132, See Figures 2, 3, and 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to substitute the endless belts of Häggman with the feeding means of Francke et al. and Backlund et al. The motivation would have been to support the web during transit (Häggman, column 5, lines 48-51). It also would have been obvious to combine the feeding means of Nash with the feeding belts of Häggman. The motivation would have been to provide minimal area of contact between the label and the belts (Nash, column 4, lines 58-67). Therefore, it would have been obvious to combine Nash with Häggman in order to obtain the invention as disclosed in claim 21.

59. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,253,817 to Edwards et al. as applied to claims 27-29 and 30 above, and further in view of U.S. Patent No. 6,783,622 to Backlund et al.

60. With respect to claim 30, Edwards et al. discloses an apparatus for preparing labels, including a means for cutting (column 11, lines 31-50). However, Edwards et al. does not disclose a rotary knife cylinder and mating anvil. Backlund et al. discloses an apparatus for producing webs of material, including a cutter assembly, which comprises a rotatable cylinder with a knife (1), and an opposing rotatable anvil (2), and means for adjusting, including changing the speed or timing of the rotation of the knife cylinder (See Figure 1, and column 3, lines 60-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cutting means and adjusting means of Backlund et al. with the apparatus of Edwards et al. The motivation would have been to provide better control and synchronization of the apparatus (Backlund et al., column 2, lines 49-60). Therefore, it would have been

obvious to combine Backlund et al. with Edwards et al. to obtain the invention as disclosed in claim 30.

Allowable Subject Matter

61. Claims 6, 8-9, 11-12, 14-15, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly K. McClelland whose telephone number is (571) 272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris A. Fiorilla can be reached on (571)272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KKM

SUE A. PURVIS
PRIMARY EXAMINER